United Nations A/63/189

General Assembly

Distr.: General
30 July 2008

Original: English

Sixty-third session
Item 126 of the provisional agenda*
Human resources management

Amendments to the Staff Regulations

Report of the Secretary-General

Introduction

1. The present report contains the proposed amendments to the Staff Regulations that would be needed should the General Assembly approve the Secretary-General's proposals for streamlining of contracts and harmonization of conditions of service, including United Nations field operations, with a view to their implementation on 1 July 2009.

2. Should the General Assembly approve the amended Staff Regulations, the Secretary-General would prepare the full text of the new set of Staff Rules for the first resumed part of the sixty-third session of the Assembly.

Amendment relating to the status of staff

3. The text of regulation 1.1, paragraph (e), would be amended to reflect the replacement of the 100, 200 and 300 series with one new set of staff rules.

Amendment relating to appointment and promotion

4. The text of regulation 4.5 would be amended to reflect the introduction of the three new types of contract (temporary, fixed-term and continuing) and the fact that probationary and permanent contracts would be discontinued as from 1 July 2009.

5. The amendments proposed to regulation 4.5 were previously included in annex I to the Secretary-General's report A/62/274.

* A/63/150.

08-44584 (E) 130808

Amendment relating to separation from service

6. The text of regulation 9.1 and annex III to the Staff Regulations would be amended to reflect the introduction of the three new types of appointment (temporary, fixed-term and continuing) and the conditions of termination associated with each.

7. The amendments proposed to regulation 9.1 and annex III to the Staff Regulations were previously included in annexes I and II to the Secretary-General's report A/62/274.

8. The text of the amendments to the above Staff Regulations is set out in full in the annexes to the present report.

Conclusion and recommendation

9. **Should the General Assembly approve the Secretary-General's proposals for streamlining of contracts and harmonization of conditions of service, the Assembly is requested to approve the amendments to the Staff Regulations.**

Annex I

Amendments to the Staff Regulations

Regulation 1.1

(e) The Staff Regulations apply to all staff at all levels, including staff of the separately funded organs.

Regulation 4.5

(a) Appointment of Under-Secretaries-General and of Assistant Secretaries-General shall normally be for a period of up to five years, subject to prolongation or renewal. Other staff members shall be granted appointments of either unlimited or fixed duration under such terms and conditions consistent with the present Regulations as the Secretary-General may prescribe.

(b) The Secretary-General shall prescribe which staff members are eligible for each type of appointment.

Regulation 9.1

(a) The Secretary-General may terminate the appointment of a staff member who holds a permanent appointment and whose probationary period has been completed if the necessities of service require abolition of the post or reduction of the staff, if the services of the individual concerned prove unsatisfactory or if he or she is, for reasons of health, incapacitated for further service.

The Secretary-General may also, giving the reasons therefor, terminate the appointment of a staff member who holds a permanent appointment:

(i) If the conduct of the staff member indicates that the staff member does not meet the highest standards of integrity required by Article 101, paragraph 3, of the Charter;

(ii) If facts anterior to the appointment of the staff member and relevant to his or her suitability come to light that, if they had been known at the time of his or her appointment, should, under the standards established by the Charter, have precluded his or her appointment.

No termination under subparagraphs (i) and (ii) shall take place until the matter has been considered and reported on by a special advisory board appointed for that purpose by the Secretary-General.

Finally, the Secretary-General may terminate the appointment of a staff member who holds a permanent appointment if such action would be in the interest of the good administration of the Organization and in accordance with the standards of the Charter, provided that the action is not contested by the staff member concerned.

(b) The Secretary-General may terminate the appointment of a staff member with a fixed-term appointment prior to the expiration date for any of the reasons specified in paragraph (a) above, or for such other reason as may be specified in the letter of appointment.

(c) In the case of all other staff members, including staff members serving on a continuing, temporary or probationary appointment, the Secretary-General may, at any time, terminate the appointment if, in his or her opinion, such action would be in the interest of the good administration of the Organization and in accordance with the Charter, or for any of the reasons specified in paragraph (a) above.

Annex II

Annex III to the Staff Regulations: termination indemnity

Staff members whose appointments are terminated shall be paid an indemnity in accordance with the following provisions:

(a) Except as provided in paragraphs (b), (c) and (e) below and in regulation 9.3 (b), the termination indemnity shall be paid in accordance with the following schedule:

	Months of gross salary, less staff assessment, where applicable		
Completed years of service	*Permanent and continuing appointments*	*Indefinite appointments and probationary appointments (for the duration of the probationary period)*	*Appointments for a fixed duration exceeding six months*
Less than 1	Not applicable	Nil)	One week for each month of uncompleted service subject to a minimum of six weeks' and a maximum of three months' indemnity pay
1	Not applicable	1)	
2	3	1)	
3	3	2)	
4	4	3)	
5	5	4)	
6	6	5	3
7	7	6	5
8	8	7	7
9	9	9	9
10	9.5	9.5	9.5
11	10	10	10
12	10.5	10.5	10.5
13	11	11	11
14	11.5	11.5	11.5
15 or more	12	12	12

(b) A staff member whose appointment is terminated for reasons of health shall receive an indemnity equal to the indemnity provided under paragraph (a) of the present annex reduced by the amount of any disability benefit that the staff member may receive under the Regulations of the United Nations Joint Staff Pension Fund for the number of months to which the indemnity rate corresponds.

(c) A staff member whose appointment is terminated for unsatisfactory services or who for disciplinary reasons is dismissed for misconduct other than by summary dismissal may be paid, at the discretion of the Secretary-General, an indemnity not exceeding one half of the indemnity provided under paragraph (a) of the present annex.

(d) No indemnity payments shall be made to:

(i) A staff member who resigns, except where termination notice has been given and the termination date agreed upon;

(ii) A staff member who has a probationary or indefinite appointment that is terminated during the first year of service;

(iii) A staff member who has a temporary or a fixed-term appointment that is completed on the expiration date specified in the letter of appointment;

(iv) A staff member who is summarily dismissed;

(v) A staff member who abandons his or her post;

(vi) A staff member who is retired under the Regulations of the United Nations Joint Staff Pension Fund.

(e) Staff members specifically engaged for conference and other short-term service or for service with a mission, or as experts, and staff members who are locally recruited for service in established offices away from Headquarters may be paid termination indemnity if and as provided in their letters of appointment.